DOCUMENT RESUME

ED 226 548 EC 151 027

TITLE Serving the Learning Disabled Child in New York State. [Updated Version].
INSTITUTION New York State Education Dept. Albany. Office for the Education of Children with Handicapping Conditions.
REPORT NO NYSED-82-7504
PUB DATE Oct 82
NOTE 30p.; Updated version of ED 201 146.
PUB TYPE Guides - Non-Classroom Use (055)

EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS Check Lists; *Definitions; Elementary Secondary Education; *Individualized Education Programs; *Learning Disabilities; Referral; State Standards; *Student Characteristics; *Student Evaluation; *Student Placement
IDENTIFIERS *New York

ABSTRACT

The manual sets forth New York state guidelines for referring and evaluating children suspected of having a learning disability (LD). Definitional issues comprise the first section, followed by sample characteristics of students with learning disabilities. Procedures for referrals are outlined. Placement decisions and decisions about services are considered as an outgrowth of evaluations of the student's psychological functioning, social history, educational skills, and physical examination. A 2-page checklist for evaluating a child with suspected LD is presented. The individualized education program (IEP) is then considered in two phases, with discussion of related services, resource room programs, and special classroom programs. IEP development factors, including frequent review of the student's progress, are listed. (CL)

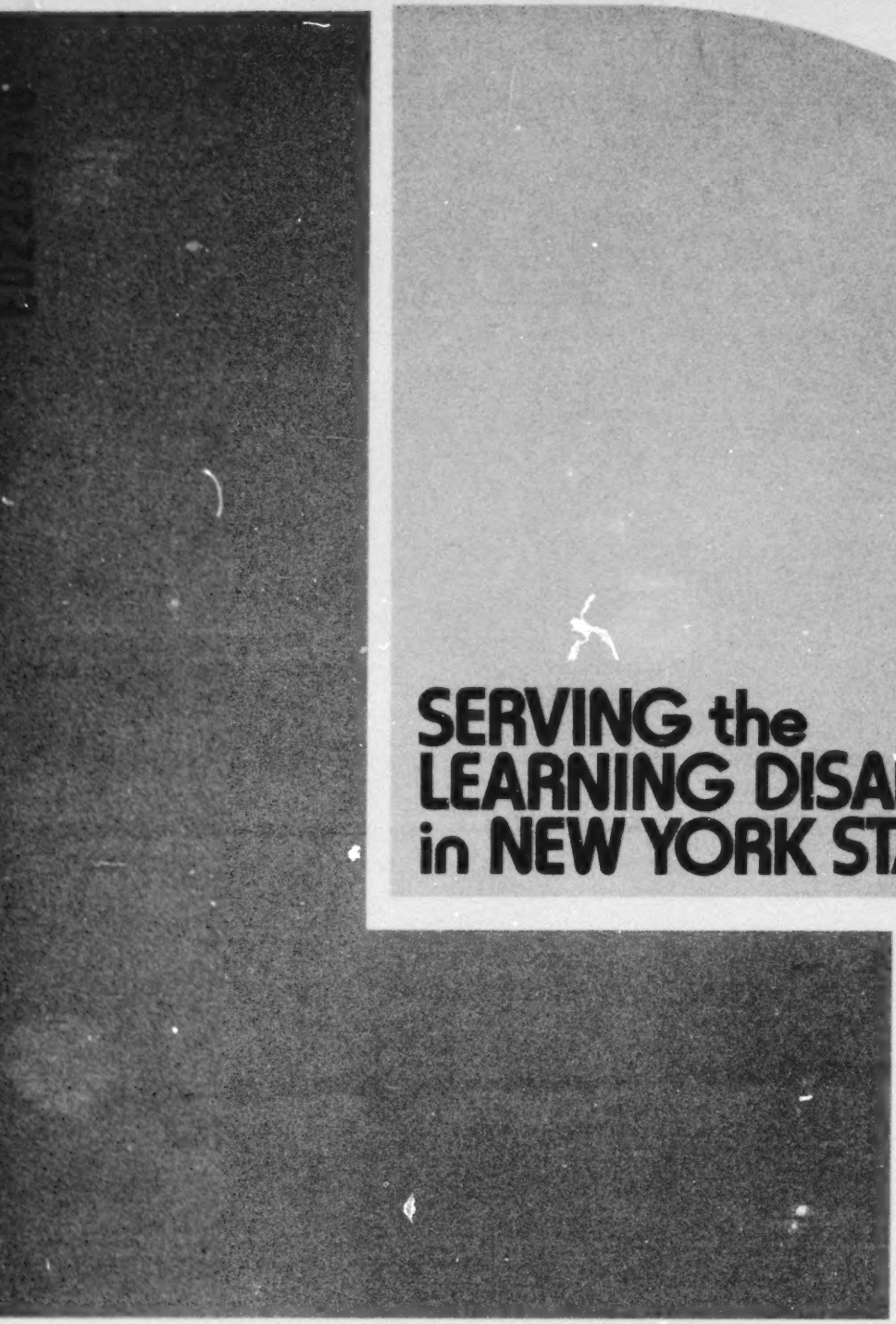
****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☑ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.



SERVING the LEARNING DISABLED CHILD in NEW YORK STATE

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
OFFICE FOR EDUCATION OF CHILDREN
WITH HANDICAPPING CONDITIONS
ALBANY, NEW YORK 12234

OCTOBER 1982

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

P. Tesoriero

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

ED215081

SERVING THE LEARNING DISABLED CHILD

IN NEW YORK STATE

The State Education Department does not discriminate on the basis of age, color, creed, disability, marital status, veteran status, national origin, race, or sex in the educational programs and activities which it operates. This policy is in compliance with Title IX of the Education Amendments of 1972. Inquiries concerning this policy may be referred to the Department's Affirmative Action Officer, Education Building, Albany, NY 12234.

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Office for Education of Children with Handicapping Conditions
Albany, New York 12234
October 1982

THE UNIVERSITY OF THE STATE OF NEW YORK

Regents of The University (with years when terms expire)

1988	Willard A. Genrich, Chancellor, LL.B., L.H.D., LL.D., Litt. D., D.C.S., D.C.L.	Buffalo
1988	J. Edward Meyer, Vice Chancellor, B.A., LL.B., L.H.D.	Chappaqua
1986	Kenneth B. Clark, A.B., M.S., Ph.D., LL.D., L.H.D., D.Sc. . . .	Hastings on the Hudson
1989	Emlyn I. Griffith, A.B., J.D.	Rome
1983	Mary Alice Kendall, B.S.	Rochester
1984	Jorge L. Batista, B.A., J.D., LL.D.	Bronx
1986	Laura Bradley Chodos, B.A., M.A.	Vischer Ferry
1987	Martin C. Barell, B.A., I.A., LL.B.	Kings Point
1984	Louise P. Matteoni, B.A., M.A., Ph.D.	Bayside
1987	R. Carlos Carballada, B.S., L.H.D.	Rochester
1988	Floyd S. Linton, A.B., M.A., M.P.A., D.C.L.	Miller Place
1988	Salvatore J. Sclafani, B.S., M.D.	Staten Island
1989	Mimi Lieber, B.A., M.A.	New York
1985	Shirley C. Brown, B.A., M.A., Ph.D.	Albany
1983	Robert M. Best, B.S.	Binghamton

President of The University and Commissioner of Education
Gordon M. Ambach

Executive Deputy Commissioner of Education
Robert J. Maurer

Deputy Commissioner for Elementary, Secondary and Continuing Education
Gerald L. Freeborne

Assistant Commissioner for Education of Children with Handicapping Conditions
Louis Grumet

Director, Division of Program Development
Lawrence C. Gloeckler

TABLE OF CONTENTS

	Page
INTRODUCTION	1
RECOGNIZING THE LEARNING DISABLED CHILD	2
Definitions	2
Who Is the Student With a Learning Disability?	3
Who Is Not a Student With a Learning Disability?	3
Characteristics of Students Who May Have a Learning Disability	4
Summary	6
REFERRAL	7
Referrals in General	7
Referrals Resulting From Mandated Screening Programs	8
MAKING A DECISION	9
What Are the Questions to Be Answered?	9
Basis for Decision	9
Evaluation, General	10
Evaluation of Pupils Thought To Be Learning Disabled	10
PROCEDURAL CHECKPOINTS FOR EVALUATING A CHILD WHO MAY POSSIBLY BE LEARNING DISABLED	14
RECOMMENDED INDIVIDUALIZED EDUCATION PROGRAMS AND THE CONTINUUM OF SERVICES FOR THE LEARNING DISABLED CHILD	16
The Individualized Education Program - Phase I	16
The Continuum of Services	17
The Individualized Education Program - Phase II	19
IMPORTANT CONSIDERATIONS FOR SELECTING AND PLANNING INDIVIDUALIZED EDUCATION PROGRAMS FOR CHILDREN WITH LEARNING DISABILITIES	21
SUMMARY	22
SPECIAL EDUCATION TRAINING & RESOURCE CENTERS	23

INTRODUCTION

The determination that a child is learning disabled is the responsibility of the Committee on the Handicapped of the local school district or the school serving the child care agency institution in which the child legally resides. It is the responsibility of the Committee on the Handicapped to recommend a free public education program that is appropriate for meeting the special education needs of each individual child.

During the past several years, considerable attention has been given to the diagnosis of learning disabilities. Children often exhibit learning disabilities which can not be attributed to a physical handicap, mental retardation or emotional disturbance or to social, cultural or economic disadvantage. Such children appear unable to understand, process or accurately communicate information related to written or spoken language or to mathematical concepts. These children may have a learning disability which adversely affects educational progress and achievement.

This manual is intended to provide information on referral, evaluation and recommendations for children in need of special education due to a learning disability. It defines and describes learning disabilities and important factors involved in the identification and placement process.

It is hoped that the content which follows will further assist local Committees on the Handicapped in providing appropriate programs and services in the least restrictive environment for those children identified as having learning disabilities.

RECOGNIZING THE LEARNING DISABLED CHILD

Definitions

A Handicapped Child is one who has been unable to satisfactorily achieve the learning objectives which have been established for all children enrolled in the public schools in New York State without the provision of special education programs and services. Such children are educationally handicapped if their failure to achieve is primarily the result of (a) a visual, hearing or motor handicap, (b) mental retardation, (c) emotional disturbance, (d) autism or (e) a learning disability.

A Learning Disability is a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, neurological impairment, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing or motor handicaps, of mental retardation, of emotional disturbance or of environmental, cultural or economic disadvantage. A child who exhibits a discrepancy of 50 percent or more between expected achievement and actual achievement, determined on an individual basis, shall be deemed to have a learning disability.

Federal regulations pertaining to serving the learning disabled child (Volume 42, No. 250, of the Federal Register, Thursday, December 29, 1977) provide the following commentary on the basis for determining that a child has a learning disability.

> "Those with specific learning disabilities may demonstrate their handicap through a variety of symptoms such as hyperactivity, distractability, attention problems, concept association problems, etc. The end result of the effect of these symptoms is a severe discrepancy between achievement and ability. If there is no severe discrepancy between how much should have been learned and what has been learned, there would not be a disability in learning. However, other handicapping and sociological conditions may result in a discrepancy between ability and achievement. There are those for whom these (other) conditions are the primary factors affecting achievement. In such cases, the severe discrepancy may be primarily the result of these factors and not of a severe learning problem. For the purpose of these regulations, when a severe discrepancy between ability and achievement exists which cannot be explained by the presence of other known factors that lead to such a discrepancy, the cause is believed to be a specific learning disability."

When read together these definitions and commentary require that, if the Committee on the Handicapped is to decide that a child is educationally handicapped as a result of a learning disability and in need of special education programs and/or services, it must determine whether a severe learning discrepancy exists, and what factors are not the cause of such discrepancy. If a discrepancy exists and can not be attributed to other handicapping or social economic conditions, the

Committee may find that the child has a learning disability. Furthermore, a discrepancy of 50 percent or more between a child's achievement and ability requires that the child be deemed learning disabled if no other cause for the discrepancy can be found. There may also be cases in which assessment data leads to the conclusion that a student is learning disabled even though standardized scores do not substantiate a 50 percent discrepancy. In all cases, the criteria of a 50 percent discrepancy should be used as a guideline and not as a formula.

Who Is the Student With a Learning Disability?

A student with a learning disability is one who:

1. Is not succeeding in school in one or more of the following areas:

    a. Basic reading skill (decoding),
    b. Reading comprehension,
    c. Mathematics calculations,
    d. Mathematics reasoning,
    e. Written expression,
    f. Oral expression,
    g. Listening comprehension.

2. Has had appropriate learning opportunities.

3. Has at least low-average intellectual potential.

AND

4. Has a severe discrepancy between intellectual potential and achievement in one or several of the above areas of functioning.

A student with a learning disability MAY also:

5. Show performance variability across academic and nonacademic areas.

6. Exhibit attention and behavior problems that appear related to school failure and frustration.

A student with a 50 percent or greater discrepancy between intellectual potential and achievement must be deemed learning disabled unless the discrepancy can be attributed to some other handicapping or socioeconomic condition.

Who Is Not a Student With a Learning Disability?

A student does NOT have a learning disability if the learning problems are PRIMARILY due to:

1. Other handicapping conditions such as:

    a. Mental retardation,
    b. Emotional disturbance,
    c. Visual or hearing loss,
    d. Motor handicaps.

2. Limited learning opportunities because of:

   a. Prolonged absences from school,
   b. Lack of consideration for language differences,
   c. Inadequate instructional practices.

3. Limited learning potential in all areas (i.e., slow learner whose achievement is commensurate with his or her potential).

4. Sociological causes, including environmental, cultural or economic disadvantages, limited proficiency in the English language or other such conditions which may result in, but are not the result of, a learning problem.

Characteristics of Students Who May Have a Learning Disability

There are a number of characteristic behaviors which describe a student with learning problems. A student having learning difficulty may show any number of these characteristic behaviors. Those students who show several of these behaviors may or may not have a learning disability. A nonexhaustive list of these traits is presented below to assist classroom teachers, parents, and other appropriate persons in recognizing children whose learning problems may suggest the existence of a learning disability. In such instances, closer investigation and evaluation are warranted.

1. Poor academic achievement.

2. Variability in performance:

   a. Across subject areas,
   b. From hour to hour or day to day,
   c. Between subtests measuring intellectual abilities or processing skills.

3. Attention problems, i.e., inability to concentrate for even short periods of time, distractibility, attention to irrelevant details.

4. Organization problems, such as:

   a. Poor organization of information, i.e., difficulty selecting the main idea, categorizing objects or ideas, organizing stories, outlining, sorting relevant from irrelevant information.

   b. Poor organization of time, i.e., difficulty planning ahead, anticipating events, sequencing days, months, seasons, events, completing appropriately chosen tasks within a reasonable time period.

   c. Poor organization of space, i.e., problems managing materials on desk or table, difficulty spacing written letters or words on a page, inability to judge distance.

5. Difficulty in understanding spoken or written language, in situations such as:

   a. Following directions,
   b. Understanding requests or questions,
   c. Attending to conversations,
   d. Following stories,
   e. Responding to language, e.g., by repeating rather than answering,
   f. Responding to gestures instead of language.

6. Difficulty using language, in such areas as:

   a. Remembering words or names,
   b. Sequencing sounds or syllables in words,
   c. Sequencing words in sentences,
   d. Sequencing sentences in paragraphs or stories,
   e. Forming complete sentences,
   f. Confusing verb tenses,
   g. Retelling stories or past events,
   h. Relying on gestures instead of language,
   i. Reproducing words in spelling.

7. Poor memory skills, such as difficulty in:

   a. Recalling events,
   b. Remembering names of persons or objects,
   c. Learning math facts to an automatic level,
   d. Learning sight words to an automatic level,
   e. Learning letter sounds to an automatic level,
   f. Using recall strategies,
   g. Remembering directions.

8. Poor physical coordination, such as problems with:

   a. Eye-hand coordination,
   b. Handwriting or drawing,
   c. Playground or physical education activities.

9. Inappropriate behavioral characteristics, such as:

   a. Excessive impulsiveness,
   b. Poor social judgment,
   c. Poor peer relationship,
   d. Low frustration tolerance,
   e. Atypical activity levels,
   f. School phobia,
   g. Truancy,
   h. Delinquency.

If a student who exhibits these learning problem characteristics can succeed when given supplemental services available to nonhandicapped students, he or she should not be considered educationally handicapped. Such supplemental services might include Title I programs, PSEN programs (Pupils with Special Educational Needs), and other remedial programs that can be made available to nonhandicapped

students as part of the general education program of the school. If there continues to be a severe discrepancy between the child's actual learning achievement and the child's expected learning achievement based on intellectual ability, and if behaviors such as those outlined above persist and cannot be corrected through general educational remedial programs and services available to nonhandicapped children, then the child may be educationally handicapped as a result of a learning disability and should be referred to the school district Committee on the Handicapped.

Summary

It is the responsibility of the Committee on the Handicapped to arrange for the evaluation of a child thought to be educationally handicapped and to submit its findings and recommendations to the Board of Education and parents of the child to ensure the provision of a free appropriate public education in the least restrictive environment.

The learning problems of a child may be due to a number of reasons, including known physical, mental, or emotional handicaps or sociocultural conditions, which are to the child's disadvantage. If none of these factors is the cause, the child may have a learning disability. This term includes such conditions as perceptual handicaps, brain injury, neurological impairment, minimal brain dysfunction, dyslexia and developmental aphasia.

The child with a learning problem, in addition to demonstrating measurably severe discrepancies between achievement and ability, may display persistent behaviors which interfere with the learning process. Such children may be educationally handicapped due to a learning disability and should be referred to the Committee on the Handicapped for evaluation. A referral should be made only after general educational remedial programs have been unsuccessful. A referral must be made if the child is thought to be handicapped as a result of the findings of the school's formal screening program.

The remainder of this document presents commentary and guidelines relating to the referral process, evaluation and assessment, the decision-making process and program alternatives for serving the child who may be learning disabled.

REFERRAL

In New York State, the process of providing a free appropriate public education to children with specific learning disabilities begins when a child is referred to the Committee on the Handicapped or the building administrator. The referral process should ensure that all children with handicapping conditions are identified and provided appropriate programs. It is also a process which, through effective structure and organization, limits the number of inappropriate referrals to the Committee.

Referrals in General

Referrals are made as a result of either observations of the child at home and in school or of the school's screening program, and should include the basis for the belief that the pupil may have a handicapping condition. When a pupil's parent or person in parental relationship, a professional staff member of the school district, a licensed physican, a judicial officer, or the commisioner or designee of a public agency observes a child who may be in need of special education and/or related services, a written referral should be sent directly to the Committee or the building administrator. A pupil may refer him or herself if he or she is 18 years of age or older, or an emancipated minor, and is eligible to attend the public schools of the district.

A referral must be in writing and may be directed to either the chairperson of the district's Committee on the Handicapped or to the building administrator of the school which the pupil attends or is eligible to attend. The date of receipt of a referral is the date on which either the Committee chairperson or the building administrator receives the referral, whichever is earlier. If a referral is received by the building administrator, it shall be forwarded to the Committee chairperson within five days of its receipt by the administrator. If a referral is received by the Committee chairperson, a copy shall be forwarded to the building administrator within five days of its receipt by the Committee chairperson. The 30-day time period for determination of eligibility and classification begins upon the date of receipt of a written referral by either a building administrator or the Committee on the Handicapped chairperson, whichever date is earlier.

The format and content of the written referral is based on locally developed procedures and should minimally include: (1) basic data on the child, (2) the name of the person making the referral, (3) the date the referral was made and (4) the reason for referral. When referring a student thought to have a learning disability, several questions should be considered. Why is the pupil being referred? What assistance has already been provided to help the student overcome his or her learning problems? What progress has been made by the student with the assistance provided?

When a referral is received by the Committee on the Handicapped, parental consent must be obtained for evaluation. Certified professionals must perform a multidisciplinary evaluation. A decision is then made by the Committee on the Handicapped in regard to the child's eligibility for special education and/or related services.

Referrals Resulting From Mandated Screening Programs

Each school district must ensure that all new entrants are screened. In addition, screening is required for all students at the third grade level scoring below level two on the New York State Pupil Evaluation Program (PEP) Tests in reading and mathematics, and for all students who obtain a comparable percentile score on the Regents Preliminary Competency Tests in reading, writing and mathematics. The screening process must be designed to obtain preliminary information regarding a child's health, physical development, cognitive development, receptive and expressive language development, articulation skills and motor development.

If the designated district screening staff determines that a pupil may possibly have a handicapping condition, a referral must be made to the Committee on the Handicapped no later than 15 calendar days after completion of the screening. The report to the COH must include a description of the screening devices used and the pupil's performance on these devices. Both the screening results and a behavioral checklist will assist the Committee on the Handicapped in determining additional assessments required for the pupil.

MAKING A DECISION

If a child is referred to the building administrator or the Committee on the Handicapped as possibly being educationally handicapped, it is the responsibility of the Committee to determine whether the child needs special education services. Each local education agency's Committee on the Handicapped must base its recommendations on the results of a multidisciplinary individualized evaluation of the child. The Board of Education makes the final determination based upon a written report of the findings and recommendations of the Committee on the Handicapped.

What Are the Questions to Be Answered?

There are essentially three decisions that must be made:

1. Is there a severe discrepancy between achievement and intellectual ability in one or more of the following seven areas relating to communication skills and mathematical abilities?

		No	Yes
a.	Oral expression	___	___
b.	Listening comprehension	___	___
c.	Written expression	___	___
d.	Basic reading skill (decoding)	___	___
e.	Reading comprehension	___	___
f.	Mathematics calculations	___	___
g.	Mathematics reasoning	___	___

2. If yes, is the discrepancy between achievement and ability in one or more of the areas of academic functioning primarily the result of:

		No	Yes
a.	A visual, hearing or motor handicap?	___	___
b.	Mental Retardation?	___	___
c.	Emotional disturbance?	___	___
d.	Environmental, cultural, economic or educational disadvantage?	___	___

3. Can the severe discrepancy between ability and achievement be corrected through educational remedial programs and/or services available to nonhandicapped children?

No	Yes
___	___

Basis for Decision

If the answer to any part of Question #1 is "yes," and if the answer to every part of Question #2 and #3 is "no," then, and only then, may a child be classified as learning disabled by the Committee on the Handicapped. When a severe discrepancy between ability and achievement exists which cannot be explained by the presence of other known factors that lead to such a discrepancy, the cause is believed to be a learning disability.

Evaluation, General

To answer the preceding questions, a multidisciplinary evaluation is conducted by certified professionals after parental consent is obtained. The evaluation must conform with the minimum requirements established in subdivision 200.4 (b) of the Regulations of the Commissioner and with other specific requirements in Federal regulation. Individually administered assessment tools must be carefully chosen to assure that they are nondiscriminatory in relation to the student's language and culture. A combination of formal and informal measures should be used in determing the child's unique educational needs as indicated by the present levels of performance in each of four areas of educational interest:

1. Levels of academic or educational achievement and learning rate,
2. Levels of social development,
3. Levels of physical development,
4. Management needs of the pupil(s) in the classroom.

The evaluations that are required of all students prior to a determination that a handicapping conditions exists include a psychological evaluation, social history, physical examination and other appropriate educational evaluations.

The psychological evaluation, conducted by the school psychologist, and other appropriate educational evaluations, including classroom observations, conducted by appropriate personnel should result in information about a student's learning rate, educational achievement, learning strengths and weaknesses, and certain social considerations within the school.

The social history, typically developed by the school social worker, would add to this information, especially in describing the student's relationship with others, contributing factors in the home and social considerations within the school.

The physical examination by a physician provides information regarding the health and vitality of the student, the level of sensory or motor development and other physical needs which must be met in order for the student to progress educationally.

Evaluation of Pupils Thought To Be Learning Disabled

Due to the broad range of problems which can constitute a learning disability, many areas need to be investigated in order to identify the student's educational needs. The following presents an expanded discussion of the required components for evaluating pupils as they apply to those who may be learning disabled.

- Individual Psychological Evaluation. Each student must be given an individual psychological evaluation to assess the current level of intellectual functioning. A student's language and motor skills should be considered when choosing intellectual assessment measures and when interpreting their results. For example, a primarily nonverbal instrument may be most appropriate for a child with limited communication skills. In the same instance, performance subtests should be considered more important when interpreting the results of an evaluation that measures both verbal and performance skills. In some cases, an adaptive behavior scale may be necessary to determine the student's intellectual level of functioning.

Follow-up testing may be recommended as a result of this evaluation. This may include:

- Speech and language evaluation,
- Neurological examination,
- Further assessment of the student's emotional status.

- Other Appropriate Educational Evaluations.

  - Individual Educational Evaluation. Each child must be given an educational evaluation to assess his or her current level of functioning in the academic areas. While conducting formal and informal assessments, evaluators should take into consideration possible test modifications which may be appropriate for a particular student in view of his or her specific disability. For example, if a student has difficulty writing, reading comprehension should not be assessed through the use of an instrument requiring written responses. This does not mean, however, that the student's writing skills should not also be evaluated.

    The subject areas which should be assessed are:

    - Reading skills and reading comprehension,
    - Mathematics calculations and reasoning,
    - Written expression.

  - Educational History. An educational history should be obtained through a review of school records. Items of particular importance when attempting to determine the primary source of a child's learning problems would include:

    - Attendance records,
    - Transitory enrollment patterns, (i.e., frequent movement from school to school),
    - Transcript and report cards,
    - Group administered achievement test scores,
    - Extent and outcome of supplementary services previously provided,
    - Previous reports from professional staff (i.e., teachers, guidance counselors, administrators),
    - Prior referral to the Committee on the Handicapped,
    - Previous placement in special education programs.

- Classroom Observation and Reports. Assessment data must include observation of the student by a professional member of the multidisciplinary team other than the child's classroom teacher. The child should be observed in his or her current educational setting.

  The written observation report submitted to the Committee on the Handicapped should indicate the child's behavior in classroom interactions with teachers and peers, level of academic performance observed, curricular and/or behavioral modifications in place and the effectiveness of those modifications. The observer should attempt to identify additional modifications which would be appropriate for the child and could be managed within this current placement.

  Information included in the teacher's written report may be collected prior to referral or during the evaluation period. This report should include the following information:

  - Reason for referral,
  - Present performance levels in all academic areas. Description should not be limited to an estimate of grade level but should identify specific skills mastered, recurring problems, error patterns, areas of special strengths or weaknesses,
  - Teaching methods and instructional materials used in the classroom,
  - Identification of educational and/or behavioral modifications of the regular program which have been attempted, and their outcomes. Modification may include changes in curriculum, instructional materials, instructional methods, or daily schedule. It may also include introduction of a behavior management program, peer tutoring, supplementary assignments, use of special equipment (e.g., tape recorder, typewriter, calculator) or assignment to supplementary remedial services (e.g., Title I, PSEN, guidance counseling).
  - Statement of teacher's opinion as to the child's educational and behavioral needs.

- Social History. A social history must be obtained by a qualified professional. The social history will involve an interview with the parent or guardian and, if appropriate, the student. The purpose of this process is to obtain information relating to:

  - Family composition and history,
  - Significant family interactions including temporary problems due to crisis situations,
  - Developmental milestones,

- Health of child,
- School adjustment of child,
- Home and neighborhood adjustment of child,
- Involvement of other professional or social agencies.

- Physical Examination. In the case of a possible learning disability, the medical examination should pay special attention to possible visual and/or auditory sensory deficits. More thorough visual, auditory, neurological, or physical assessments may be recommended.

The data gathered throughout the evaluation process is used to determine the existence of a handicapping condition and the degree to which that condition adversely affects a student's educational progress and achievement. Persons administering formal and informal assessments should consider the characteristics of a suspected handicapping condition when compiling evaluative data and interpreting results. In the case of a suspected learning disability, traits mentioned earlier should be kept in mind throughout the process: poor academic achievement, variability in performance, attendance and organizational problems, difficulty understanding and using language, poor memory skills, physical coordination problems and inappropriate behaviors. The extent to which these traits surface during a comprehensive multidisciplinary evaluation contributes to the final Committee recommendation regarding each child suspected of having a learning disability.

PROCEDURAL CHECKPOINTS FOR EVALUATING A CHILD WHO MAY POSSIBLY BE LEARNING DISABLED

The multidisciplinary evaluation is conducted by a multidisciplinary team, which may be the Committee on the Handicapped with appropriate additional persons, or a separate duly constituted team of specialists. The Committee completes its evaluation using the findings provided by the members of the evaluation team, and prepares a written report detailing its determination and recommendations.

The following questions highlight the basic checkpoints of the procedure that must be used to determine whether a child is learning disabled. An answer of "no" to any of the questions may indicate that the procedures used are less than acceptable and that the resulting determination is unfounded.

		No	Yes	Not Applicable
1.	Has the COH provided for evaluations by a multidisciplinary team?	___	___	
2.	Has the child's regular teacher been included on the team?	___	___	
3.	Has at least one person qualified to conduct individual diagnostic examinations contributed to the evaluation?	___	___	
4.	Have tests and other evaluative materials been provided and administered in the child's native language or other mode of communication?	___	___	
5.	Has more than one procedure been used for determining an appropriate educational program for the child?	___	___	
6.	Has at least one teacher or other specialist with knowledge in the area of learning disabilities been included on the evaluation team?	___	___	
7.	Has at least one evaluation team member other than the child's regular teacher observed the child's academic performance in the pupil's current educational setting?	___	___	
8.	To the extent possible and appropriate, have individual standardized diagnostic techniques been included in the evaluation?	___	___	

		No	Yes	Not Applicable
9.	If individual standardized diagnostic techniques are not appropriate, have non-standardized evaluation techniques, or other specific techniques been utilized?	—	—	—
10.	If such techniques were used, has the Committee on the Handicapped been provided with statements in writing in regard to:			
	a. How these techniques were appropriate for use with the child being evaluated?	—	—	—
	b. How the results of these techniques were used in determining whether the child has a learning disability?	—	—	—
	c. How these techniques have proven relevant to educational functioning and assessment thereof?	—	—	—
11.	Has the Committee on the Handicapped prepared a written report which includes:			
	a. A statement of whether the child has a learning disability?	—	—	
	b. Documentation of all data for making the determination, including test scores, observations and relevant medical findings, if any?	—	—	
	c. A statement that the severe discrepancy between achievement and ability is not correctable without special education and related services?	—	—	
	d. The determination of the Committee on the Handicapped concerning the effects of environmental, cultural, or economic disadvantage?	—	—	
	e. Certification, in writing, by each Committee on the Handicapped member as to whether the report reflects his or her conclusion?	—	—	
	f. A separate statement presenting each dissenting Committee on the Handicapped member's conclusion?	—	—	

RECOMMENDED INDIVIDUALIZED EDUCATION PROGRAMS AND THE CONTINUUM OF SERVICES FOR THE LEARNING DISABLED CHILD

As a result of referral to, and evaluation by, a local school district Committee on the Handicapped, a pupil may be determined to be learning disabled. When this occurs, the Committee must inform the parent(s) of its decision. An explanation of the parent's due process rights must also be provided. The parent(s) must give written consent for initial entrance into special education programs and services. Once consent has been obtained, the Committee must implement its recommendations consistently with the timelines contained in Part 200 of the Commissioner's Regulations.

The Individualized Education Program - Phase I

If the Committee on the Handicapped determines that a pupil is eligible for special education due to an identified learning disability, a program recommendation must be made within 30 school days of receipt of referral. The Committee's recommendation outlines Phase I of a pupil's IEP. As a program plan, Phase I describes the needs of the pupil and states the annual goals and appropriate programs and services for the individual. The result is a document which contains the following information.

1. A report of the present levels of performance indicating the individual needs in each of the following areas:

   a) academic or educational achievement and learning rate,
   b) social development,
   c) physical development,
   d) management needs of the pupil in the classroom.

2. The pupil's classification (handicapping condition).

3. The annual goals that are consistent with the pupil's educational needs and abilities.

4. The recommended combination of special education programs and services and the extent to which the pupil will participate in the regular education programs of the school. If a special class program is recommended, the appropriate class size is stated. Also, if occupational/vocational education is stated as a goal, the appropriate program is described.

5. The projected date for initiation of the special education programs and services, the amount of time per day the pupil will receive such services, and the projected date of review of the pupil's need for such services.

6. A description of any specialized equipment and adaptive devices needed for the pupil to benefit from education.

7. A listing of those testing modifications to be used consistently by the pupil in the recommended program.

8. The selected placement which will provide the programs and services described.

The overriding consideration in determining the placement of pupils with handicapping conditions is the concept of education in the least restrictive environment. This means a placement which takes into account the pupil's special educational needs, considers the proximity of the placement to the pupil's home, and provides an opportunity for the pupil to interact with nonhandicapped peers to the maximum extent appropriate to his or her needs.

The Continuum of Services

The central task of a Committee on the Handicapped is to design the combination of educational programs and services which will appropriately assist each pupil toward achieving his or her annual goals. This task requires the Committee to consider two factors:

- o The annual goals for academic achievement, social and physical development,
- o The management needs of the pupil in the classroom.

The annual goals determine the curriculum for the pupil. This may be the same as the regular school curriculum or may be specially designed according to the pupil's level of performance and learning needs. The management needs of the pupil may be similar to those of other pupils enrolled in the regular classrooms of the school or may require highly individualized attention through adapted instruction by a variety of specially trained personnel.

Because of the variability in the performance of many students with learning disabilities, it is often necessary to carefully scrutinize program options to arrive at an appropriate combination for instruction. For example, a learning disabled pupil may excel in mathematics but be unable to compensate for reading deficiencies. Or, a pupil may have severe auditory perceptual problems but excel in visual/motor skill areas. Therefore, recommendations for specialized instruction and/or services must be carefully developed to allow for remediation of deficit areas while also addressing those areas of demonstrated strength.

The program and service options that follow describe the special education continuum in New York State. Any one or combination of these options may be specified in the Individualized Education Program for learning disabled pupils.

Regular Classroom Programs

Handicapped pupils must, to the maximum extent appropriate, have the opportunity to participate in the regular classroom program. Many handicapped pupils are able to be successful in the regular class program, particularly if they are also provided the special programs and services needed to satisfactorily achieve in this setting. Pupils placed in this setting may require only a related service as described below or they may be provided supplementary resource room assistance. Some pupils placed in the regular class program may also be enrolled in special classes for a portion of the day to receive needed instruction through specially designed curriculum. The IEP requires the inclusion of the extent to which a pupil may participate in the regular classroom programs of the school. The extent to which the pupil's academic, social, physical and management needs in the classroom are similar to those of nonhandicapped pupils is the Committee's guide in making this provision.

Related Services

Related services are support services which the Committee on the Handicapped has determined to be required to assist a handicapped pupil in benefiting from instruction in either a regular classroom or a special program. While in the regular or special classroom, the pupil with a handicapping condition may receive a number of periods a week of related services provided by appropriate specialists. The extent of these services may range from regular daily sessions to less frequent contacts depending upon the pupil's needs. Typically, related services are provided to individual or small groups of pupils outside the classroom and consist of physical or occupational therapy, speech pathology, counseling, special diagnostic assessment or other appropriate services to support the pupil in the classroom situation.

Resource Room Programs

A special education resource room program is a specialized supplemental instructional program for a handicapped pupil placed in either a regular or special classroom. Resource room instruction may be given individually or in small group settings for a minimum of three hours per school week and for no more than 50 percent of each school day. Resource room programs in which handicapped pupils are placed must meet the following standards:

- Instructional groups which include pupils with handicapping conditions may not exceed five pupils per resource room teacher.
- The composition of instructional groups which include pupils with handicapping conditions must be based upon the similarity of the individual needs of such pupils according to the four criteria.
- The total number of pupils with handicapping conditions assigned to a full-time resource room teacher may not exceed twenty.
- The resource room teacher must be appropriately certified or licensed in the area of special instruction or service being provided to the pupil.

Special Classroom Programs

These programs are designed for pupils whose special education needs cannot, even with related services or resource room assistance, be satisfactorily met in the regular classroom situation. Each pupil in this setting requires daily instruction to be provided with other pupils who are also educationally handicapped. In all cases, the class size and composition of a special classroom must be based upon the similarity of needs of the enrolled pupils.

There are four types of special class options determined in accordance with the particular needs of the pupils enrolled.

OPTION I: A special class of no more than 12 pupils whose instructional and management needs may be met by the assigned teacher with no additional professional or paraprofessional assistance required.

OPTION II: A special class of no more than 12 pupils, some or all of whose management needs interfere with the instructional process to the extent that an additional adult, either a teaching assistant or a teacher's aide, is needed within the classroom to assist with the instruction of such pupils.

OPTION III: A special class of no more than 6 pupils whose management needs are highly intensive, requiring a high degree of individual attention and intervention by the classroom teacher and other assigned personnel. The pupils assigned exhibit a combination of learning, social and physical needs which could not, even with related services, be met in a special class of more than 6 pupils. Such a class requires the assignment of at least one teaching assistant or aide to assist the classroom teacher.

OPTION IV: A special class of no more than 12 pupils who have severe multiple handicaps and whose instruction is primarily oriented toward habilitation and treatment programs due to the severity of their handicapping conditions. In addition to the teacher, such classroom groups require the presence of one professional or paraprofessional staff person for each subgroup of 3 pupils in the classroom at any given time.

Instructional groups may include children having the same handicapping condition or they may include children with different handicapping conditions; the primary consideration is that the children in the group have similar instructional needs. Also, except for classes of Option IV, the chronological age range for special classes containing pupils who are less than 16 years of age may not exceed 36 months. The chronological age range is not limited for classes of Option IV.

The Individualized Education Program - Phase II

Within 30 days of the receipt of the recommendation of the Committee on the Handicapped, the Board of Education provides the appropriate special programs and services. The recommendation is sent to the parent(s) and, following parental consent, a copy of Phase I is forwarded to the appropriate teachers and supervisors in the approved setting.

Phase II of the IEP is developed within 30 days of pupil entrance into the recommended special education program. The development of Phase II takes place during a planning conference. Participants must include the pupil's teacher, the pupil whenever appropriate, the parent or legal guardian, and a representative of the school district who is qualified to provide or supervise the provision of special education. A person who is knowledgeable about the evaluation procedures used with the pupil must attend if it is the first time the pupil is receiving special education programs and services. If the pupil is not in a district-operated program, a representative of the pupil's home school district, who is qualified to provide or supervise the provision of special education, must be given the opportunity to attend.

During the planning conference, Phase II of the IEP is developed to include:

- A statement of short-term instructional objectives consistent with the pupil's needs and annual goals identified in Phase I.

- Appropriate objective criteria and evaluation procedures with schedules for determining, on at least an annual basis, whether the instructional objectives are being achieved.

Parents have an opportunity during the planning conference to assist the teacher in developing short-range objectives and to suggest other areas for inclusion in the pupil's Individualized Education Program. Suggestions may also be made by the teacher regarding home activities to reinforce the objectives of the student's program. Cooperation between the parent, the teacher and other school personnel greatly enhances the pupil's chance for a successful experience.

IMPORTANT CONSIDERATIONS FOR SELECTING AND PLANNING INDIVIDUALIZED EDUCATION PROGRAMS FOR CHILDREN WITH LEARNING DISABILITIES

It is the long-range educational goal of the public education system in New York State that all children achieve the minimum learning competencies required to obtain a high school diploma. Learning disabled children are recognized as being capable of achieving these minimum competencies which involve the completion of at least sixteen Carnegie units of high school study in addition to passing the New York State Regents Competency Examinations. If this is to occur, the following priorities must be taken into consideration when developing appropriate Individualized Education Programs:

- Early identification, intervention and remediation of severe learning discrepancies at the primary and intermediate grade levels.

- The scheduling and coordination of special education programs and services at the secondary level to maximize the child's involvement in the mandated and elective sequences of general education programs required of all children who wish to obtain a high school diploma.

- The involvement of a child and his or her parent(s) in the selection of an appropriate sequence of studies at the secondary level, including the option of occupational education and other school programs that will lead to employment upon graduation from high school.

- The involvement of school principals and guidance personnel to ensure agreement regarding approved alternative testing techniques which the child may need in order to demonstrate the minimum achievement required to pass the Regents Competency Tests in the areas of mathematics, reading and writing.

- The scheduling of frequent reviews of the child's progress toward minimum learning competencies and completion of the courses required for a high school diploma.

The points outlined above should have a significant impact on the development and implementation of Individualized Education Programs for children who are educationally handicapped due to a learning disability. The nature of these considerations requires the involvement, understanding and agreement of the Committee on the Handicapped, teachers, support staff, administrators and, above all, the learning disabled child and his or her parent(s).

SUMMARY

Pupils with learning problems are found in many classrooms. In most cases, learning difficulties are mild, temporary and able to be addressed within the regular education program. Pupils with learning problems can often overcome their difficulties with proper teacher direction and parental support. Creative teaching strategies, increased motivation, and individualized instruction within the content areas help to minimize the frustrations that pupils experience in the classroom. Remedial reading, math labs, schedule changes, curriculum adjustments and environmental modifications can also help to alleviate learning problems as they occur.

In some cases, however, regular education programs and services may not adequately address the needs of pupils with severe, complex learning problems. When regular education alternatives have been tried without success, there may be reason to suspect a learning disability. A referral to the school district's Committee on the Handicapped (COH) may be made, resulting in the multi-disciplinary evaluation needed to discuss and determine the eligibility of a pupil for special education programs and services. If a pupil is found to have a handicapping condition, a recommendation is made detailing pupil needs, appropriate programs and/or services and annual goals. The Individual Education Program (IEP), Phases I and II, provides guidance for monitoring and evaluating the educational performance of each handicapped pupil. The total process, from referral through evaluation, recommendation and review, enables the learning disabled pupil to receive appropriate educational opportunities that could not be provided exclusively through regular education.

SPECIAL EDUCATION TRAINING AND RESOURCE CENTERS (SETRC)

The Office for Education of Children with Handicapping Conditions administers and supports a network of forty-six State Training Centers. These centers, called Special Education Training and Resource Centers, are located throughout New York State in BOCES, in large city school districts and at one university. They are local contact points for the dissemination of publications and information about training and services available to parents and personnel involved in the education of the handicapped.

The following list is provided for you to identify the Special Education Training and Resource Center in your area.

Albany-Schenectady-Schoharie BOCES SETRC
Maywood School
1979 Central Avenue
Albany, New York 12205
(518) 456-9069

Allegany BOCES SETRC
Allegany Educational Center
Angelica Road, R.D. #1
Belmont, New York 14813
(716) 268-5681 Ext. 224

Broome-Delaware-Tioga BOCES SETRC
Upper Glenwood Road
Binghamton, New York 13905
(607) 729-9301 Ext. 362

Buffalo City SETRC
School #75
99 Monroe Street
Buffalo, New York 14206
(716) 856-5595

Cattaraugus-Erie-Wyoming BOCES SETRC
Windfall Road
Box 424-B
Olean, New York 14760
(716) 372-8293

Cayuga County BOCES SETRC
234 South Street Road
Auburn, New York 13021
(315) 253-0361 Ext. 49

Chautauqua County BOCES SETRC
9520 Fredonia Stockton Road
Fredonia, New York 14063
(716) 672-4371 Ext. 278

Clinton-Essex-Warren-Washington BOCES SETRC
Box 455
Plattsburgh, New York 12901
(518) 561-0100

Cortland-Madison BOCES SETRC
McEvoy Education Center
Clinton Avenue Extension
Cortland, New York 13045
(607) 753-9301

Delaware-Chenango SETRC
S.U.N.Y. At Binghamton
Division of Professional Education
Vestal Parkway
Binghamton, New York 13901
(607) 798-6681

Dutchess BOCES SETRC
R.D. #1 Salt Point Turnpike
Box 369
Poughkeepsie, New York 12601
(914) 471-9200 Ext. 42

Erie #1 BOCES SETRC
2 Pleasant Avenue West
Lancaster, NY 14086
(716) 686-2019 or 2082

Erie #2 BOCES SETRC
4071 Hardt Road
Eden, NY 14057
(716) 992-3413

Franklin-Essex-Hamilton BOCES SETRC
Box 28-Special Education Office
Malone, New York 12953
(518) 483-1294

Genesee-Wyoming BOCES SETRC
8250 State Street Road
Batavia, New York 14020
(716) 343-1400 Ext. 294

Greene #2-Delaware-Schoharie-Otsego BOCES SETRC
Rexmere Park
Stamford, New York 12167
(607) 652-7531 Ext. 29

Hamilton-Fulton-Montgomery BOCES SETRC
Fulton-Montgomery Community College
Route 67
Room L210
Johnstown, New York 12095
(518) 762-7754

Herkimer-Fulton-Hamilton-Otsego BOCES SETRC
Gros Blvd.
Herkimer, New York 13350
(315) 867-2082

Jefferson-Lewis-Hamilton-Herkimer-Oneida BOCES SETRC
Outer Arsenal Street
Watertown, New York 13601
(315) 788-0400

Livingston-Steuben-Wyoming BOCES SETRC
Holcomb Building
Geneseo, New York 14454
(716) 243-5470

Madison-Oneida BOCES SETRC
Spring Road
Verona, New York 13478
(315) 363-8000

Monroe #1 BOCES SETRC
705 Plank Road
Penfield, New York 14526
(716) 671-8614

Monroe-Orleans #2 BOCES SETRC
3599 Big Ridge Road
Spencerport, New York 14559
(716) 352-2443

Nassau County BOCES SETRC
Rosemary Kennedy Center
2850 North Jerusalem Road
Wantagh, New York 11793
(516) 781-4044 Ext. 270-1-2

Oneida-Herkimer-Madison BOCES SETRC
Box 70-Middle Settlement Road
New Hartford, New York 13413
(315) 792-4605 or 792-4614

Onondaga-Madison BOCES SETRC
6820 Thompson Road
Syracuse, New York 13211
(315) 437-0248

Ontario-Seneca-Yates-Cayuga-Wayne BOCES SETRC
Finger Lakes Educational Center
3501 County Road 20
Stanley, New York 14561
(716) 526-6410

Orange-Ulster BOCES SETRC
Gibson Road
Goshen, New York 10924
(914) 294-5431 Ext. 276

Orleans-Niagara BOCES SETRC
3181 Saunders Settlement Road
Sanborn, New York 14132
(716) 731-4176

Oswego BOCES SETRC
County Route 64
Mexico, New York 13114
(315) 963-3094

Rensselaer-Columbia-Greene BOCES SETRC
Green Meadow School
1588 Schuurman Road
Castleton, New York 12033
(518) 477-8741

Rochester City SETRC
Central Administrative Offices
131 West Broad Street
Rochester, New York 14608
(716) 325-4560 Ext. 2710

Rockland BOCES SETRC
61 Parrott Road
West Nyack, New York 10994
(914) 623-3828 Ext. 266

St. Lawrence BOCES SETRC
Outer State Street
Canton, New York 13617
(315) 386-4504

Saratoga-Warren BOCES SETRC
Myers Education Center
Henning Road
Saratoga Springs, New York 12866
(518) 584-3239

Schuyler-Chemung-Tioga BOCES SETRC
431 Philo Road
Elmira, New York 14903
(607) 739-3581 Ext. 323

Steuben-Allegany BOCES SETRC
Wildwood Campus Bldg. #3
North Main Street Extension
Hornell, NY 14843
(607) 324-5893

Suffolk #2 BOCES SETRC
Greene Avenue School
100 Greene Avenue
Sayville, New York 11782
(516) 567-1121

Sullivan BOCES SETRC
Ferndale Loomis Road
Box 391
Liberty, New York 12754
(914) 292-7500

Syracuse City SETRC
Percy Hughes School
345 Jamesville Avenue
Syracuse, New York 13210
(315) 425-4685

Tompkins-Seneca-Tioga BOCES SETRC
555 South Warren Road
Ithaca, New York 14850
(607) 257-1551 Ext. 276

Ulster BOCES SETRC
175 Route 32 North
New Paltz, New York 12561
(914) 255-1402

Washington-Warren-Hamilton-Essex BOCES SETRC
Southern Adirondack Education Center
Dix Avenue
Hudson Falls, New York 12839
(518) 793-7721 Ext. 219

Westchester-Putnam #1 BOCES SETRC
Pinesbridge Road, Walden School
Yorktown Heights, New York 10598
(914) 245-1050 245-2700

Westchester #2 BOCES SETRC
Learning Resource Center
Concord Road
Ardsley, New York 10502
(914) 693-7576

Yonkers City SETRC
School #32 Dexter Road
Yonkers, New York 10701
(914) 963-0592

Coordinating Office

New York State Education Department
Office for Education of Children with
Handicapping Conditions
Division of Program Development
Albany, NY 12234
(518) 474-8917 or 2251